Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:	)	
	)	
Request by Freeman Engineering Associates, Inc. for a Pioneer's Preference for Enhanced Paging Service	)	ET Docket No. 92-100 PP-79

OPPOSITION

Mobile Telecommunication Technologies Corporation ("Mtel"), by its attorneys, respectfully submits these comments in opposition to Freeman Engineering Associates, Inc.'s Request for a Pioneer Preference for Enhanced Paging Service ("EPS"). As discussed below, Freeman's proposal raises serious spectrum efficiency concerns and lacks the innovation necessary to satisfy the Commission's pioneer's preference requirements.

I. STATEMENT OF INTEREST

Mtel has long been an innovative and leading provider of messaging services.[1] Through its SkyTel™ and Mtel International subsidiaries, Mtel provides nationwide paging service to more than 180,000 subscribers across the United States and overseas. In addition, Mtel has filed a Petition

[1] Mtel's recent accomplishments include the first 2400 bps simulcast messaging technology and providing nationwide one-way wireless electronic mailbox ("e-mail") service to AT&T Safari™ and HP95LX computers through the SkyTel™ network.

for Rulemaking and Request for Pioneer's Preference for a new Nationwide Wireless Network ("NWN") service.[2]

The Commission's pioneer preference policies have attracted a wide range of petitioners seeking to provide advanced messaging services. Many of these petitioners, including Freeman, have submitted perfunctory requests evidencing little effort or innovation. In filing this Opposition, Mtel urges the Commission to avoid expending time and resources contemplating the less substantial requests. The Commission should dismiss Freeman's proposal because it does not merit the extraordinary relief represented by grant of a pioneer's preference.

II. DESCRIPTION OF ENHANCED PAGING SERVICE

Freeman seeks 262 kHz of spectrum for a wide band paging service that will allow the integration of "multiple modes of operation on a single paging channel."[3] It describes EPS as enabling a paging unit to receive tone-voice, tone only, digital readout, and alphanumeric pages, as well as longer

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[2] NWN will use innovative enhanced modulation techniques and an innovative advanced dynamic frequency management scheme to provide highly efficient, two-way messaging capabilities for laptop, palmtop, and other portable computing devices.

[3] Freeman Request at 4. The requested spectrum encompasses 150 kHz for the forward channel, 56 kHz for the reverse channel to enable acknowledgement of receipt, and 56 kHz for base station as well as mobile use to allow wireless input of paging calls. Id. at 4-5.

text messages.[4] Apparently, however, Freeman's primary goal for EPS is to promote the availability of wide area tone-voice paging.[5]

Freeman requests a preference for EPS for the New Orleans and Baton Rouge MSAs. It states that EPS is technically feasible using some current technology, as well as some technology that has not yet been applied, but is "within the knowledge of the industry."[6] Specifically, Freeman asserts that simulcast equipment can be manufactured to accommodate 150 baud [sic] transmitting equipment.[7] In addition, Freeman maintains that sufficient technology exists both to create a transmitter for the necessary bandwidth modulation,[8] and to design and manufacture paging, laptop, and fixed station equipment.

III. FREEMAN HAS FAILED TO DEMONSTRATE THAT IT MERITS A PIONEER'S PREFERENCE.

Mtel respectfully submits that Freeman fails to satisfy the pioneer preference requirements in several respects:

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[4] Id. at 4.

[5] Id. at 5, 9-10.

[6] Id.

[7] Id. at 8.

[8] Freeman requests flexibility in modulation specifications so that each carrier can "serve the needs of its particular customer base" -- that is, to engineer its system to accommodate preferences for particular types of paging service. Id. at 5.

Spectrum Inefficiency. Freeman's proposal does not represent an efficient use of valuable spectrum.[9] In essence, Freeman requests 262 kHz of spectrum -- the equivalent of more than ten standard paging channels -- in order to integrate four types of conventional paging in a single unit and add an acknowledgement capability. Because a limited amount of spectrum exists, the Commission must balance the amount of spectrum requested against the value of the proposed system. Against this standard, Freeman's EPS proposal is totally unjustified, especially given its failure to demonstrate any demand for the service.

Lack of Innovation. Freeman claims that its proposed service represents "a substantial enhancement of existing paging services."[10] However, integrating four types of conventional paging in a single unit and expanding the availability of tone-voice service is at best a marginal improvement rather than a true innovation. Indeed, as Freeman concedes, the technology for EPS already is either available or "within the knowledge of the industry." Consequently, Freeman cannot claim to have "developed the new service or technology . . . [or] brought them to a more

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[9] The Commission has noted that it will give careful consideration to technologies that "yield efficiencies in spectrum use." 6 FCC Rcd at 3493.

[10] Freeman Request at 9.

advanced or effective state," as is required by the Commission's rules for pioneer preference requests.[11]

Lack of Demand. Even if EPS could be considered innovative, Freeman has made no effort to show that it is a worthwhile use of such a large block of spectrum. Without a showing that there would be significant demand for EPS, it cannot be considered a "substantial enhancement." Yet, Freeman makes no claims as to demand for integrated paging and admits that the demand for tone-voice service is limited.[12] In fact, Freeman's request for flexible modulation specifications indicates that the company itself is unsure of the demand for either integrated or tone-voice services. If the proposed service were truly filling an unmet consumer need, such flexibility would be unnecessary.

Lack of technical feasibility. Mtel understands that EPS is assumed to be technically feasible by Freeman. Nonetheless, Freeman has failed to demonstrate technical feasibility or file an experimental application, as is required by the Commission's rules.[13] Indeed, Freeman provides no studies or engineering reports to support the

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[11] 47 C.F.R. § 1.402(a) (1991).

[12] Although Freeman blames the lack of demand for tone/voice paging on the limited capabilities of the present method of one transmitter per voice frequency, it fails to show that increasing the capacity of the system would increase consumer demand for the service.

[13] 47 C.F.R. § 1.402 (1991).

viability of the EPS proposal. Its bare assertions that the technology is "within the knowledge of the industry," without any further support, simply does not establish that EPS is truly a viable service. This failure to satisfy the Commission's feasibility requirements renders Freeman's petition unworthy of a pioneer's preference.

IV. CONCLUSION

For the foregoing reasons, MTel urges the Commission to dismiss Freeman's request for a pioneer's preference for the proposed EPS service.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 1992, I caused copies of the foregoing "Opposition" to be mailed via first-class postage prepaid mail to the following:

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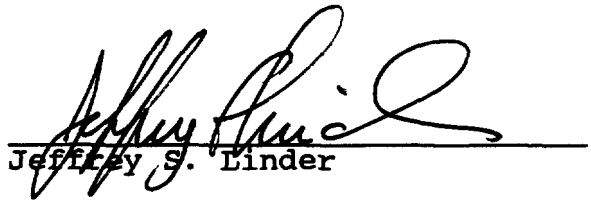

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